

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

IN RE:

SAYWARD ELIZABETH HOLLINS

**CHAPTER 13  
CASE NO. 23-60362**

**Debtor**

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS OR CONVERT,  
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 4/9/23 and (iii) moves to dismiss or convert this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

**May 25, 2023 at 9:30 a.m.**

Parties should contact Judge Connelly's courtroom deputies at  
[VAWBml\\_Connelly\\_Scheduling@vawb.uscourts.gov](mailto:VAWBml_Connelly_Scheduling@vawb.uscourts.gov)  
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

**Documents - Assets**

- Trustee requests documents to prove whether the judgments by Jefferson Capital, One Main, and Sandy Spring Bank are liens recorded against the real estate.
- Proof that an automatic payment process for future mortgage payments has been put into place. Arrears are: \$52,061.

**Documents - Income**

- Contribution affidavit of ongoing financial contribution (on Trustee's standard form) for: amount to be paid by mother.

**Documents - Other**

- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

**Pleadings**

- Submit a wage order or establish automatic and recurring TFS account for plan payments.
- Amend the Statement of Financial Affairs: Line 27 to disclose business operated in 2021.

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

**Amend Plan or Suggest Confirmation Order Language**

- Amend the plan to clarify that the chapter 7 test figure in Part 5.1 is \$0.00.

**Objections**

- The Debtor will not be able to make all payments under the plan because the plan is not feasible pursuant to 11 U.S.C. Section 1325(a)(6).

3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:

**Conf - Fix Plan Terms**

- Part 3.1 of the Plan is amended to authorize the Trustee to disburse pre-petition arrears pro-rata.

**Conf - Retain Objections**

- The Trustee shall retain his disposable income objection pursuant to 11 U.S. C. sec. 1325(b) (1)(B), confirmation shall not be res judicata as to this issue, and the Debtor(s) shall: notify the Trustee of any employment, rental, or business income, provide the Trustee with two months of income proof, and file an amended Schedule I and J.

4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

**WHEREFORE**, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: April 26, 2023

/s/ Angela M. Scolforo

Angela M. Scolforo, Chapter 13  
Trustee  
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**CERTIFICATE OF SERVICE**

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on April 26, 2023.

/s/ Angela M. Scolforo

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